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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,775	03/10/2004	Maureen R. Putt	998-928	4153

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EXAMINER

ENGLE, PATRICIA LYNN

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/797,775

Applicant(s)

PUTT ET AL. 

Examiner

Patricia L Engle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/10/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the spaced apart rigid members having a plurality of spaced apart apertures (claim 33) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6, 8-12, 14, 16, 17, 23-25, 27, 29-32 and 34 are rejected under 35

U.S.C. 102(b) as being anticipated by Loveland (US Patent 6,290,278).

Regarding claim 1, Loveland discloses a vehicle floor mat (7), comprising: a pliable layer (60) configured to overlie an area of a vehicle floor (14); and a rigid member (38) attached to a portion of the pliable layer (60), wherein the rigid member (38,54) has a width sufficient to span a recessed portion (18) in the vehicle floor area such that the pliable layer (60) is rendered substantially non-pliable above the recessed portion (18), and such that the floor mat (7) can support a load placed thereon above the recessed portion (Fig. 6).

Regarding claim 2, Loveland discloses the vehicle floor mat of Claim 1, wherein the rigid member (38,54) is at least partially disposed within the pliable layer (60).

Regarding claim 3, Loveland discloses the vehicle floor mat of Claim 1, wherein the rigid member comprises material selected from the group consisting of thermoplastic and thermosetting polymers, glass reinforced thermoset rubber, glass reinforced polypropylene, wood (column 2, lines 53-55), and metal.

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Regarding claim 4, Loveland discloses the vehicle floor mat of Claim 1, wherein the pliable layer (60) comprises material selected from the group consisting natural and synthetic polymers (62).

Regarding claim 6, Loveland discloses the vehicle floor mat of Claim 1, wherein the pliable layer (60) has opposite first and second surfaces, and wherein carpeting (62) is disposed on the pliable layer first surface.

Regarding claims 8, Loveland discloses the vehicle floor mat of Claim 1, further comprising a second pliable layer (78) pivotally secured to a peripheral edge portion of the pliable layer (60), wherein the second pliable layer (78) is movable between a stored position overlying the pliable layer in face-to-face relationship therewith (Fig. 3) and an operative position (Fig. 2) substantially coplanar with the pliable layer.

Regarding claims 9 and 23, Loveland discloses the vehicle floor mat of Claim 8, wherein a second rigid member (54) is attached to the second pliable layer (78), and wherein the second rigid member (54) has a width configured to span a second recessed portion (Fig. 6) in the vehicle floor area such that the floor mat (7) can support a load placed thereon above the second recessed portion.

Regarding claim 10, Loveland discloses the vehicle floor mat of Claim 9, wherein the second rigid member (54) is at least partially disposed within the second pliable layer (78).

Regarding claims 11 and 24, Loveland discloses the vehicle floor mat of Claim 9, wherein the second rigid member comprises material selected from the group consisting of thermoplastic and thermosetting polymers, glass reinforced thermoset rubber, glass reinforced polypropylene, wood (column 2, lines 53-55), and metal.

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Regarding claims 12 and 25, Loveland discloses the vehicle floor mat of Claim 9, wherein the second pliable layer (78) comprises material selected from the group consisting of natural and synthetic polymers (62).

Regarding claim 14, Loveland discloses the vehicle floor mat of Claim 8, wherein the second pliable layer (78) has opposite first (Fig. 1) and second (Fig. 2) surfaces, and wherein carpeting (62) is disposed on the second flexible member (78) first surface (Fig. 1).

Regarding claim 16, Loveland discloses the vehicle floor mat of Claim 8, wherein the second pliable layer (78) is pivotally secured to the peripheral edge via a hinge (Fig. 8).

Regarding claims 17 and 27, Loveland discloses the vehicle floor mat of Claim 16, wherein the hinge comprises carpeting (62) disposed on the first and second pliable layers.

Regarding claim 29, Loveland discloses a vehicle floor mat (7), comprising: a pliable layer (60) configured to overlie an area of a vehicle floor (14); and a plurality of adjacent, spaced-apart rigid members (54,38) attached to the pliable layer (60), wherein each rigid member (38,54) has a width sufficient to span a recessed portion (Fig. 6) in the vehicle floor area such that the pliable layer is rendered substantially non-pliable above the recessed portion, and such that the floor mat can support a load placed thereon above the recessed portion.

Regarding claim 30, Loveland discloses the vehicle floor mat of Claim 29, wherein the rigid members (38,54) are at least partially disposed within the pliable layer (60).

Regarding claim 31, Loveland discloses the vehicle floor mat of Claim 29, wherein each rigid member (38,54) comprises material selected from the group consisting of thermoplastic and thermosetting polymers, glass reinforced thermoset rubber, glass reinforced polypropylene, wood (column 2, lines 53-55), and metal.

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Regarding claim 32, Loveland discloses the vehicle floor mat of Claim 29, wherein each pliable layer comprises material selected from the group consisting of natural and synthetic polymers (62).

Regarding claim 34, Loveland discloses the vehicle floor mat of Claim 29, wherein the pliable layer (60) has opposite first (Fig. 1) and second (Fig. 2) surfaces, and wherein carpeting (62) is disposed on the pliable layer first surface (Fig. 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 5, 7, 13, 18-22, 26, 28, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loveland.

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Regarding claims 7, 18-20, 22, 28, and 35, Loveland does not disclose that the rigid member comprises a plurality of spaced-apart apertures formed therethrough. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a plurality of spaced-apart apertures formed in the rigid members. The motivation would have been to reduce the weight of the floor mat which in turn would reduce the weight of the vehicle and would therefore increase the fuel efficiency of the vehicle.

Regarding claims 5, 13, 21, 26, and 33, Loveland does not specifically disclose that the pliable layer includes rubber. It would have been obvious to one of ordinary skill in the art at the time of the invention to include rubber in the pliable layer. The motivation would have been to provide cushioning to the floor mat to protect the floor of the vehicle and the items being placed on the floor mat from damage.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art discloses other vehicle floor mats.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777.

The examiner can normally be reached on Monday - Friday from 8:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia L Engle
Examiner
Art Unit 3612

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October 15, 2004